S.B.CRIMINAL MISC. PETITION NO.248/2007
(Darshan Singh V/s State of Rajasthan)

Date of order :: 11.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.Devi Lal], for the petitioner.
Mr.B.K.Vyas],
Mr.Ashok Upadhyay, Public Prosecutor.

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

It is stated that the petitioner submitted an application under Section 457 Cr.P.C. before the Additional Chief Judicial Magistrate, Raisinghnagar. The learned Magistrate while releasing the vehicle in question, has imposed condition asking the petitioner to furnish Bank Guarantee of Rs.1,50,000/-. The learned counsel for the petitioner states that the condition of asking for bank guarantee is quite onerous. He prays for reducing the amount of bank guarantee and states that petitioner is ready to file solvent surety of the same amount.

The learned Public prosecutor states that the learned Magistrate has rightly asked for bank guarantee for releasing the tanker, therefore, it may not be interfered.

I have gone through the order of the learned Chief Judicial Magistrate, Raisinghnagar dtd. 6.2.2007. Looking to all the facts and circumstances of the case, I am of the view that the condition of furnishing Bank guarantee of Rs.1,50,000/- appears to be onerous, therefore, it is reduced to Rs.50,000/-. The petitioner shall also furnish solvent surety of Rs. 1,50,000/- instead of furnishing bank guarantee of Rs.1,50,000/- to the satisfaction of the learned Additional Chief Judicial Magistrate, Raisinghnagar. The vehicle in question be released on furnishing the solvent surety on the same terms and conditions which were imposed by learned Magistrate.

With the aforesaid modifications, this misc. petition is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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